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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

MASAMICHI ITO ET AL.

Application No.: 09/903,706

Filed: July 13, 2001

For: DATA COMMUNICATION SYSTEM,  
PRINTING SYSTEM AND DATA  
COMMUNICATION APPARATUS**RECEIVED**

JUL 16 2003

OFFICE OF PETITIONS

Examiner: G.C. Neurauter

Art Unit: 2158

July 15, 2003

MAIL STOP: PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**PETITION UNDER 37 C.F.R. § 1.182  
TO CORRECT APPLICATION PAPERS IN USPTO FILE**

Sir:

**RELIEF REQUESTED**

Applicants petition to replace the application papers in the file of the U.S. Patent and Trademark Office ("USPTO") for the above-identified application ("the '706 application") with the correct application papers for the '706 application.

**FACTS**

1. The '706 application was filed on July 13, 2001, and is a division of Application No. 09/024,187 filed on February 17, 1998. A copy of the receipt postcard bearing the date stamp of the USPTO is attached as exhibit A.
2. As indicated on the receipt postcard of exhibit A, the '706 application was filed

with 91 pages consisting of the specification, the claims, and the abstract, and with 28 sheets of formal drawings. A copy of the 91 pages of the '706 application is attached as exhibit B. A copy of the 28 sheets of formal drawings for the '706 application is attached as exhibit C.

3. As indicated on the receipt postcard of exhibit A, a Transmittal Form was submitted with the '706 application. A copy of the Transmittal Form is attached as exhibit D.

4. As indicated on the Transmittal Form of exhibit D, the '706 application is a division of "prior application No. 09/024,187" and incorporates by reference the entire disclosure of the prior application, should a portion of the prior application be inadvertently omitted from the application papers of the '706 application.

5. A copy of the inventors' declaration for the prior application is attached as exhibit E.

6. As indicated on the receipt postcard of exhibit A and the Transmittal Form of exhibit D, a Preliminary Amendment And Information Disclosure Statement ("the PA/IDS"), a PTO-1449 form, and copies of four documents were filed with the '706 application. A copy of the PA/IDS and a copy of the PTO-1449 form are attached as exhibit F.

7. As indicated the PA/IDS of exhibit F, a co-pending application was cited and a copy of the co-pending application was provided with the PA/IDS. The co-pending application is identified in the PA/IDS as Application No. 09/053,748. A copy of the co-pending application is attached as exhibit G (including the drawings).

8. As indicated in the PA/IDS, the '706 application cancels original claims 19-29, leaving only original claims 1-18 pending for examination.

9. As indicated on the Transmittal Form of exhibit D, there should be 18 total claims and 6 independent claims in the '706 application, taking into consideration the claim cancellations in the PA/IDS.

10. In the Office Action dated October 1, 2002, in the '706 application, the Examiner rejected claims 1-18 and 31-41. The Office Action includes quotations of various portions of the rejected claims.

11. In the Amendment filed on April 1, 2003, Applicants responded to the rejections by stating, *in alia*, that the pending claims do not include certain features/claims identified in the Office Action.

12. In the Office Action dated June 16, 2003, the Examiner states that "the specification is incorrect," thus prompting the present Petition.

**REASONS WHY THE RELIEF REQUESTED SHOULD BE GRANTED**

Applicants believe that the application papers for the '706 application were erroneously switched with the copy of the co-pending application cited in the PA/IDS. Applicants further believe that the erroneous switch occurred at the USPTO during the initial processing of the application papers for the '706 application.

As indicated on the receipt postcard of exhibit A and the Transmittal Form of exhibit D, there should be 91 pages of specification/claims/abstract and 28 sheets of drawings in the '706 application. Applicants believe that the application papers presently in the USPTO file of the '706 application include 106 pages of specification/claims/abstract corresponding to the copy of the co-pending application cited in the PA/IDS, and is believed to have been erroneously switched with the correct application papers for the '706 application.

Because the error is not believed to be the result of actions or omissions by Applicants, no petition fee is believed to be due. However, if a petition fee is deemed to be required to have the present Petition considered, the Commissioner is authorized to charge the requisite petition fee to Deposit Account 06-1205.

CONCLUSION

In view of the foregoing, Applicants respectfully request correction of the application papers presently in the USPTO file of the '706 application. Favorable consideration is earnestly solicited.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

  
Attorney for Applicants  
LOCK SEE YEE-JAHNES  
Registration No. 38,667

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

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OFFICE OF PETITIONS

PATENT APPLICATION

2158

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
MASAMICHI ITO ET AL. )      Examiner: G.C. Neurauter  
Application No.: 09/903,706 )  
Filed: July 13, 2001 )  
For: DATA COMMUNICATION SYSTEM,  
PRINTING SYSTEM AND DATA  
COMMUNICATION APPARATUS )  
                                ) Art Unit: 2158      RECEIVED  
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                                ) JUL 18 2003  
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                                ) Technology Center 2100  
                                )  
                                ) July 15, 2003

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION AND REQUEST FOR SUSPENSION OF ACTION

Sir:

In response to the Office Action dated June 16, 2003, Applicants have submitted concurrently herewith a petition to correct the application papers in the USPTO's file for the above-identified application.

Applicants respectfully request a suspension of action in the subject application for three (3) months, to wait for a decision from the Office of Petitions regarding the petition.

A check for the fee of \$130.00 for the suspension of action is enclosed. Please charge any deficiency in this fee or credit any overpayment to Deposit Account 06-1205.

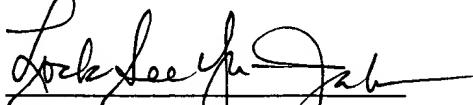
07/17/2003 JRALINAN 00000143 09903706

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130.00 OP

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

  
\_\_\_\_\_  
Attorney for Applicants  
Lock SEE YU JAHNES  
Registration No. 38,667

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**Office of Patent Publication  
Pre-Grant Publication Division**

2231 Crystal Drive  
Crystal Park 3  
Suite 905  
Arlington, VA 22202  
Voice (703) 605-4284  
Fax (703) 305-8568

To: Tech Center 2100  
*Barbara J. Debnam*  
From: Barbara J. Debnam  
PG Publications, CPK-3, Suite 905  
Date: June 5, 2003  
Re: Application Number 10/314,383

The attached Request to Rescind Non-Publication Request has been processed and a Corrected Filing Receipt has been mailed to the applicant. Please match this paperwork to the file. Thank you.

JUL 22 2003



## UNITED STATES PATENT AND TRADEMARK OFFICE

## OFFICE OF PETITIONS

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/314,383	12/05/2002	Daniel R. Salmonsen	1003.P002 US (PA-1266)

## CONFIRMATION NO. 9470

32794  
 KOESTNER BERTANI LLP  
 18662 MACARTHUR BLVD  
 SUITE 400  
 IRVINE, CA 92612



\*OC000000010198107\*

Date Mailed: 06/05/2003

## NOTICE REGARDING RESCISSION OF NONPUBLICATION REQUEST

Applicant's rescission of the previously-filed nonpublication request is acknowledged. The rescission has been reflected in the Office's computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 03/11/2004.

If the applicant filed the application with a nonpublication request and then subsequently filed an application directed to the invention disclosed in the application with the nonpublication request in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, applicant was required to provide notice of foreign filing within 45 days after the date of the filing of such foreign or international application. If the rescission did not contain the notice of foreign filing (e.g., the PTO/SB/36, version 10/01 was not used), or if the notice of foreign filing was not filed within the 45 day period, the application is ABANDONED, and a petition under 37 CFR 1.137(b)/(f) is required to be filed. (See 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c).)

Any petition, filed with the rescission, under 37 CFR 1.137(b)/(f) to revive the application is being forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (703) 305-9282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail [pgpub@uspto.gov](mailto:pgpub@uspto.gov).

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JUL 22 2003

## OFFICE OF PETITIONS

PTO/SB/36 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**RESCISSON OF PREVIOUS  
NONPUBLICATION REQUEST  
(35 U.S.C. 122(b)(2)(B)(ii))  
AND, IF APPLICABLE,  
NOTICE OF FOREIGN FILING  
(35 U.S.C. 122(b)(2)(B)(iii))**

Send completed form to:  
**Mail Stop PG Pub**  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
 FAX: (703) 305-8568

Application Number	10/314,383
Filing Date	December 5, 2002
First Named Inventor	Daniel R. Salmonsen
Title	Emulator-Enabled Network Connectivity to a Device
Atty Docket Number	PA-1266 (P002 US)
Group Art Unit	2123
Examiner	Unknown

A request that the above-identified application not be published under 35 U.S.C. 122(b) (nonpublication request) was included with the above-identified application on filing pursuant to 35 U.S.C. 122(b)(2)(B)(i). I hereby rescind the previous nonpublication request.

If a notice of foreign or international filing is or will be required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c), I hereby provide such notice. This notice is being provided no later than forty-five (45) days after the date of such foreign or international filing.

If a notice of subsequent foreign or international filing required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) was not filed within forty-five (45) days after the date of filing of the foreign or international application, the application is ABANDONED, and a petition to revive under 37 CFR 1.137(b) is required. See 37 CFR 1.137(f).

June 4, 2003

Date

Signature

(949) 251-0250

Ken J. Koestner, Reg. No. 33,004

Telephone Number

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b).

If information or assistance is needed in completing this form, please contact the Pre-Grant Publication Division at (703) 605-4283 or by e-mail at PGPub@USPTO.gov.

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop PG Pub, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile ((703) 305-8568) transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Joy C. Ngo	Date	June 4, 2003
Signature			

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(b). The information is used by the public to rescind a previously filed request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that rescission). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PG Pub, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.